

REMARKS

Claims 1-3, 6-10 and 28-44 are pending in this application. Claims 11, 26 and 27 have been allowed.

In this amendment pending claims 1-3, 6-10, and 28-44 have been cancelled without prejudice.

New claims 45-74 have been added in this amendment. These claims are of different scope and more particularly point out what the applicant regards as the invention. No new matter is, believed to have been, added. Support for these claims are found throughout the specification and the pending claims. After this amendment, claims 45-74 are pending in this application.

35 USC 103(a) Obviousness Rejection

Burke discloses an automatic philanthropic contribution system, in which the consumer purchasing items in a retail establishment intentionally gives an amount exceeding what is required to pay for the items, to the cashier and a donor card, with the intention to donate to charity the exceeded amount.

Hovokinian discloses a variation of the Burke automatic philanthropic system, where a customer credit card is used in place of a donor card, and where the card processor takes the donation payment that has been decided by the customer in advance, from the customer by adding that amount to the amount processed by the card processor.

The current invention is entirely of a different scope. In this invention (1) donation is given by a merchant to the charity, (2) the donation is give as a percent of sale of the merchant to a select group, the merchant deciding the percent of sales to contribute, and (3) the members of the select group have been influenced by the charity to shop at the merchant.

Applicant submits that the current invention is not obvious under section 35 USC 103(a) over either the Burke or the Hovokinian or combination of both, because in these prior art, an individual is choosing to making a contribution to a charity and deciding how much of a contribution to make, the making of such a contribution, as a matter of convenience to the customer, is at a time of a sale transaction at a merchant.

The independent claim 45, 53 and 61 all have the limitation that the merchant is making a donation to a charity out of those sales, as a percent of sales that are caused or influenced by the charity. Hence the current invention is distinguishable over the cited art and obviates the 103(a) obviousness rejection.

Independent claim 72 claims the aspects of the invention, where a sales receipt identifies on the face of the receipt the charitable entity and the contribution to the entity from the merchant. They are considered patentable in view of the cited art.

All dependent claims are likewise considered patentable since they include the limitations of the independent claims

CONCLUSION

In conclusion, Applicant respectfully asserts that claims 45-74 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 310-540-4095 for any reason that would advance the instant application to issue.

Dated this the 9th day of August 2002

Respectfully submitted,



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